UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,704	10/04/2006	Luis Jose Rey	L7725.06107	3173

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/577,704	REY ET AL.
	Examiner	Art Unit	
	JALALEDDIN AMIRMOKRI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 July 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>35-68</u> is/are pending in the application.

    4a) Of the above claim(s) <u>36,57,67 and 68</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>35, 37-56 and 58-66</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>03/27/09, 04/03/09</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on 07/01/09 has been entered. Claims 35, 37-39, 41-48, 50, 51, 54- 56, 58, 60, 62-64, and 66 have been amended. Claims 36, 57, 67, and 68 have been cancelled. No claims have been added. Claims 35, 37-56 and 58-66 are still pending in this application, with claims 35, 56, 58 and 66 being independent.

Response to Arguments

2.   Applicant's arguments filed on 07/01/09 have been fully considered but they are not persuasive.

This is in response to Applicant's argument on page 14, third paragraph which states: Rey discloses, for in-band signaling of a format description by a server, that a communicated packet always contains a format description for each text sample within the packet, whereas the Applicants' claimed subject matter only communicates a format description with a text sample, through in-band signaling, when a server determines that the format description has not been previously communicated to a client. As a result, Rey does not identically disclose the claimed subject matter. Examiner respectfully disagrees and very kindly directs the Applicant to Rey's page 4, lines, lines 20-22, where Rey teaches: To save overhead it is sensible to transmit these pieces of information once at the initialisation phase and update them accordingly upon demand,

if needed. In other words the text formats are transmitted at the initialization time and

as needed thereafter (e.g. change of text format) and not in every packet transmission.

The aforementioned argument applies equally to claims 56, 58 and 66 which

recites substantially the same limitations as claim 35.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35-41, 45-63 and 65-68 are rejected under 35 U.S.C. 102(b) as being

anticipated by J. Rey,Y. Matsui, D. Ido, Y. Notoya, Matsushita: 'RTP Payload Format

for 3GPP Timed Text, draft-rey-avt-3gpp-timed-text-01.txt' IETF Internet Draft,

September 2003 (2003-09), hereinafter 'RTP Payload Format for 3GPP Timed Text'.

Regarding claims 35, 56, 58 and 66, 'RTP Payload Format for 3GPP Timed

Text' teaches a method, streaming server and mobile client for transmitting formatted

text from a streaming server to a mobile client using a Real-time Transport Protocol

(RTP) in a mobile communication system, wherein the formatted text comprises a

plurality of text samples being associated to at least one text sample format description

(as described in page 4, lines 13-16), and wherein the at least one text sample format

description is signaled in-band to the client (as described in page 4, lines 13-16), the

method being performed by the streaming server and comprising:

determining whether a text sample format description associated to a text sample

to be transmitted was provided to the client for another earlier text sample within at least

one transmitted data packet (as described in page 4, lines 17-24),

if the text sample format description has been provided to the client for another

earlier text sample in the at least one transmitted data packet, adding the text sample to

be transmitted to at least one data packet to be transmitted (as described in page 4,

lines 17-24),

if the text sample description has been provided to the client for another earlier

text sample in the at least one transmitted data packet, adding the text sample to be

transmitted and its associated text sample format description to the at least one data

packet to be transmitted (as described in page 4, lines 17-24), and

transmitting the at least one data packet to be transmitted to the mobile client (as

described in page 4, lines 13-24).

Regarding claim 37, 'RTP Payload Format for 3GPP Timed Text' teaches that

the text sample format description already provided was added to said at least one

transmitted data packet prior to its transmission when processing the earlier text sample

(as described in page 4, lines 13-24).

Regarding claim 38, 'RTP Payload Format for 3GPP Timed Text' teaches that adding the text sample to be transmitted to at least one data packet to be transmitted, comprises further adding at least one sample identifier to the at least one data packet to be transmitted, wherein a sample identifier provides a mapping between a text sample format description and its associated text sample in the at least one data packet to be transmitted (as described in page 4, lines 13-24).

Regarding claim 39, 'RTP Payload Format for 3GPP Timed Text' teaches that maintaining information on text sample format descriptions provided to the mobile client in the transmitted data packets (as described in page 4, lines 13-24 and page 14, lines 3-29).

Regarding claim 40, 'RTP Payload Format for 3GPP Timed Text' teaches that the maintained information comprises data on the provided text sample format descriptions, data on the at least one data packet in which the text sample format description has been transmitted, and the at least one identifier (as described in page 4, lines 13-24, page 8, lines 1-3 and page 14, lines 3-29).

Regarding claim 41, 'RTP Payload Format for 3GPP Timed Text' teaches that determining the at least one transmitted data packet in which the text sample format description has been transmitted to the mobile client based on the maintained information, if it has been determined that a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample (as described in page 4, lines 13-24).

Regarding claim 45, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet to be transmitted comprises a plurality of text samples and text sample format descriptions (as described in page 14, lines 3-29).

Regarding claim 46, 'RTP Payload Format for 3GPP Timed Text' teaches that the header of a data packet to be transmitted comprises at least one sample identifier and at least one text sample format description (as described in page 14, lines 3-29), if it has been determined that a text sample format description for a text sample to be transmitted has not already been provided for an earlier text sample (as described in page 4, lines 17-24).

Regarding claim 47, 'RTP Payload Format for 3GPP Timed Text' teaches that the header of a data packet to be transmitted comprises at least one identifier (as described in page 7, lines 1-5, Fig. 3, page 8, lines 1-3 and Fig. 5), if it has been determined that a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample (as described in page 4, lines 17-24 and page 14, lines 3-29).

Regarding claim 48, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet to be transmitted comprises a header and a payload section (as described in page 4, lines 38-40 and page 5, lines 1-40).

Regarding claim 49, 'RTP Payload Format for 3GPP Timed Text' teaches that the payload section comprises at least one sample identifier and at least one text sample (as described in page 6, lines 19-20, Fig. 1, page 7, lines 1-5, Fig. 3, page 8, lines 1-3 and Fig. 5).

Regarding claim 50, 'RTP Payload Format for 3GPP Timed Text' teaches that determining whether a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample is based on the maintained information (as described in page 4, lines 13-24).

Regarding claim 51, 'RTP Payload Format for 3GPP Timed Text' teaches that a predetermined number of identifiers is used, a sample identifier is reused for the provision of a new text sample format description and the corresponding text sample to the mobile client (as described in page 8, lines 1-3 and Fig. 5), if it has been determined that a text sample format description for a text sample to be transmitted has not already been provided for an earlier text sample and if all available identifiers are used for mapping text samples to text sample format descriptions (as described in page 4, lines 17-24).

Regarding claim 52, 'RTP Payload Format for 3GPP Timed Text' teaches that the maintained information on provided text sample format descriptions is updated upon reuse of an identifier (as described in page 4, lines 17-24).

Regarding claim 53, 'RTP Payload Format for 3GPP Timed Text' teaches that the maintained information further comprises a time stamp for each sample identifier indicating the latest insertion of the sample identifier into a transmitted data packet (as described in page 4, lines 38-40, page 5, lines 1-30, page 7 and Fig. 3).

Regarding claim 54, 'RTP Payload Format for 3GPP Timed Text' teaches that the step of reusing the sample identifier with the earliest time stamp for the transmission

of a new text sample format description to the mobile client (as described in page 4, lines 38-40, page 5, lines 1-30, page 7, Fig. 3, page 8, lines 1-3 and Fig. 5).

Regarding claim 55, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet to be transmitted comprises at least one text sample format description only (as described in page 4, lines 17-24 and page 14, lines 3-29).

Regarding claim 59, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet further comprises at least one sample identifier (as described in page 8, lines 1-3 and Fig. 5) mapping at least one text sample to its associated text sample format description (as described in page 4, lines 13-24).

Regarding claim 60, 'RTP Payload Format for 3GPP Timed Text' teaches that maintaining information on the text sample format descriptions provided in received data packets (as described in page 4, lines 13-24 and page 14, lines 3-29).

Regarding claim 61, 'RTP Payload Format for 3GPP Timed Text' teaches that the maintained information comprises data on the provided at least one text sample format description, and its at least one identifier (as described in page 4, lines 13-24, page 8, lines 1-3 and page 14, lines 3-29).

Regarding claim 62, 'RTP Payload Format for 3GPP Timed Text' teaches that selecting the associated text sample format description for the text sample uses the sample identifier associated to the text sample to identify the associated text sample format description from the at least one data packet or from text sample format descriptions already available at the mobile client (as described in page 4, lines 13-24).

Regarding claim 63, 'RTP Payload Format for 3GPP Timed Text' teaches that updating said maintained information based on a new text sample format description, if the at least one data packet comprises the new text sample format description associated with a sample identifier that is already associated to another text sample format description in said maintained information (as described in page 4, lines 13-24).

Regarding claim 65, 'RTP Payload Format for 3GPP Timed Text' teaches that a data packet received by the mobile client comprises only at least one text sample format description and wherein the method further comprises storing the at least one text sample format description received (as described in page 4, lines 13-24, page 8, lines 1-3 and page 14, lines 3-29).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 42-44 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'RTP Payload Format for 3GPP Timed Text' in view of Ott J et al: 'Extended RTP Profile for RTCP-based Feedback (RTP/AVPF), draft-ietf-avt-rtcp-feedback-07.txt' INTERNET-DRAFT, 6 June 2003 (2003-06-06), hereinafter 'Extended RTP Profile for RTCP-based Feedback'.

Regarding claim 42, 'RTP Payload Format for 3GPP Timed Text' teaches

reusing the sample identifier used in said determined at least one transmitted data

packet for mapping the text sample to be transmitted to a provided text sample format

description (as described in page 4, lines 13-24 and page 14, lines 3-29).

'RTP Payload Format for 3GPP Timed Text' fails to teach determining whether

the determined at least one data packet has been acknowledged by the mobile client.

'Extended RTP Profile for RTCP-based Feedback' teaches determining whether

the determined at least one data packet has been acknowledged by the mobile client

(as described in page 4, lines 26-31, page 5, lines 19-27 and page 19, liens 4-24).

Therefore it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to modify 'RTP Payload Format for 3GPP Timed Text'

to utilize ACK as the basis for reusing and transmitting the text sample as described by

'Extended RTP Profile for RTCP-based Feedback' in order to offer closed loop

communications and hence provide a highly reliable and versatile communication

system to the user.

Regarding claim 43, 'RTP Payload Format for 3GPP Timed Text' teaches the

text sample to be transmitted and its associated text sample format description (as

described in page 14, lines 3-29) are added to the at least one data packet to be

transmitted (as described in page 4, lines 13-24).

'RTP Payload Format for 3GPP Timed Text' fails to teach if it has been

determined that the determined at least one transmitted data packet has not been

acknowledged by the mobile client.

'Extended RTP Profile for RTCP-based Feedback' teaches that if it has been determined that the determined at least one transmitted data packet has not been acknowledged by the mobile client (as described in page 4, lines 26-31, page 5, lines 19-27 and page 19, liens 4-24).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify 'RTP Payload Format for 3GPP Timed Text' to utilize NACK as the basis for transmitting the text sample as described by 'Extended RTP Profile for RTCP-based Feedback' in order to offer closed loop communications and hence provide a highly reliable and versatile communication system to the user.

Regarding claim 44, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet to be transmitted comprises a header and a payload section (as described in page 7, lines 1-5 and Fig. 3), and wherein the header of the data packet to be transmitted comprises the reused identifier (as described in page 8, lines 1-3, Fig. 5), if it has been determined that a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample(as described in page 4, lines 13-24).

Regarding claim 64, 'RTP Payload Format for 3GPP Timed Text' fails to teach transmitting an acknowledgement for the at least one received data packet to the streaming server.

'Extended RTP Profile for RTCP-based Feedback' teaches that transmitting an acknowledgement for the at least one received data packet to the streaming server (as described in page 4, lines 26-31, page 5, lines 19-27 and page 19, lines 4-24).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify 'RTP Payload Format for 3GPP Timed Text' to acknowledge receiving the text sample as described by 'Extended RTP Profile for RTCP-based Feedback' in order to offer closed loop communications and hence provide a highly reliable and versatile communication system to the user.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JALALEDDIN AMIRMOKRI whose telephone number is

(571)270-5880. The examiner can normally be reached on M-F 8am-5m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A./

10/27/09

/Patrick N. Edouard/
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